

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

February 18, 2003
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Deputy Mayor Degginger and Councilmembers Davidson, Lee, and Mosher

ABSENT: Mayor Marshall and Councilmembers Creighton and Noble

1. Call to Order

The meeting was called to order at 8:05 p.m. by Deputy Mayor Degginger, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, Mayor Marshall and Councilmembers Creighton and Noble were absent. Dr. Davidson led the flag salute.

(a) Citizen Awards of Merit from Fire Department

Fire Chief Peter Lucarelli presented Citizen Awards of Merit to Kristi Nipert and Bridgett Jonas for their composure, quick thinking, and responsible actions on July 6, 2002. Ms. Nipert, six-months pregnant at the time, and Ms. Jonas administered CPR to Donald Summers of Mercer Island, who had collapsed while bicycling and was found unconscious without a pulse. These efforts, along with the expertise of Bellevue Fire Aid 9, were successful and Mr. Summers was talking with paramedics by the time they reached the hospital.

Mr. Summers expressed his gratitude to Ms. Nipert and Ms. Jonas for their willingness to help a stranger. He thanked Firefighter/Paramedics Mike Cruz and Mike Hess, Firefighter Steve Linden, and Firefighter/Engineer Mark Vinup for their efforts and care as well as Captain Gary Norris for being so great with his family.

3. Communications: Written and Oral

- (a) Debbie Foley, a representative of Service Employees International Union, Local 6 representing janitors, described an ongoing dispute with Allied Building Services. She alleged that Allied is denying workers' rights, including the right to organize as a union, and that seven workers were fired last week for their efforts to start a union. She requested the City's help in mediating the situation and in upholding federal laws regarding workers' rights.

- (b) Adela Ruvalcaba-Salazar, a janitorial worker, noted her co-workers in the audience and expressed concern about working conditions. She said her employer is denying janitors their legal right to unionize.
- (c) Michael C. Piper expressed appreciation for the Ivanhoe Youth Theatre program, which provides a connection to the community for his family. He questioned whether any lessons were learned from the investigation process last year.
- (d) Richard Askew thanked Council for its leadership and ongoing support of the Ivanhoe Youth Theatre program. He said communication to participants and the Ivanhoe Performing Arts Foundation has improved considerably since last year.
- (e) Randall Apted noted residents in the audience who came to express their appreciation for the Ivanhoe Youth Theatre program. He is pleased to have such an all-inclusive program in Bellevue. He thanked Councilmembers for their guidance in resolving issues during a difficult time.
- (f) Will Knedlik, a representative of the Citizens Own Sound Transit (COST) Alliance, submitted copies of a letter to the U.S. Department of Transportation's Inspector General and alleged that Sound Transit is violating requirements of its statutory contract. He said Sound Transit's actions threaten the bonding capacity of cities and school districts. He noted Dr. Davidson's critical role in protecting the interests of Bellevue and the Eastside years ago when the RTA (Regional Transit Authority) master plan was developed. He expressed confidence in Councilmember Mosher, who serves on the Sound Transit Performance Audit Committee, and asked Council to support and assist Mr. Mosher in this role.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy asked staff to provide a briefing on the Wilburton NE 8th Street Corridor Study. Planning Director Dan Stroh said the purpose of the study is to identify potential land use changes, zoning incentives, and other strategies to encourage redevelopment of this commercial district. The study will also focus on protecting uses such as auto dealers that serve Bellevue residents and are important to the city's economic health. Staff is already working on the study and focus group meetings with area representatives will begin this week. Open house meetings for the general public will be scheduled as the study progresses.

Mr. Sarkozy described a recent letter from King County Executive Ron Sims indicating the County will not be willing to provide court services to cities after January 2005. Bellevue has been exploring court options during the past year and will likely need to establish a municipal court on its own or in cooperation with other cities.

6. Council Business

Mr. Mosher will attend the Association of Washington Cities (AWC) Legislative Conference over the next few days in Olympia. As a member of the Sound Transit Performance Audit Committee, Mr. Mosher requested recommendations from fellow Councilmembers regarding citizens to serve on the Sound Transit Citizens Oversight Panel and the Performance Audit Committee.

Mr. Lee attended a volunteer recognition event held by the Neighborhood Mediation Team.

Dr. Davidson attended a meeting with City staff and Comcast representatives to discuss customer service issues. He attended a meeting of the Suburban Cities Caucus of the Regional Water Quality Committee.

Mayor Marshall and Deputy Mayor Degginger attended a Senior Volunteers luncheon at North Bellevue Community/Senior Center to honor 250 seniors who have contributed approximately 22,000 volunteer hours during the past year. Mr. Degginger attended the Neighborhood Mediation Team function and meetings of the Bridle Trails Community Club and Bellevue 50Fest Committee.

7. Approval of the Agenda

➡ Mr. Mosher moved to approve the agenda, and Mr. Lee seconded the motion.

➡ The motion to approve the agenda carried by a vote of 4-0.

8. Consent Calendar

➡ Mr. Lee moved to approve the Consent Calendar, and Mr. Mosher seconded the motion.

➡ The motion to approve the Consent Calendar carried by a vote of 4-0, and the following items were approved:

- (a) Minutes of February 3, 2003 Study Session
Minutes of February 3, 2003 Regular Session
Minutes of February 10, 2003 Extended Study Session
- (b) Motion to approve payment of claims for the period ending February 10, 2003, and payroll for the period January 16 through January 31, 2003.
- (c) Ordinance No. 5436 adopting two new Bellevue City Code Chapters, 4.03, Tax Administrative Code and 4.09, Business and Occupation Tax Code; repealing Bellevue City Code Chapters 4.02 and 4.08; amending Bellevue City Code sections 4.04.015, 4.04.020, 4.04.025, 4.04.035, 4.10.015, 4.10.020, 4.20.070, 4.14.015, 4.14.020, 5.04.050, 5.12.040, 5.12.110; and establishing an effective date.
- (d) Resolution No. 6816 authorizing execution of an agreement with the Bellevue

Boys and Girls Club to operate the Ground Zero Teen Center in partnership with the City of Bellevue in the amount of \$86,500.

- (e) Resolution No. 6817 authorizing the execution of a service agreement with Kalcade Geese Police for the control of Canada geese and other waterfowl through hazing at Downtown Park, Meydenbauer Beach Park, and Newcastle Beach Park through December 31, 2004, in the amount of \$73,010.
 - (f) Resolution No. 6818 authorizing the execution of a turnback agreement and the acceptance of right-of-way from the Washington State Department of Transportation (WSDOT) at the intersection of SE Eastgate Way and 148th Avenue SE, northwest of the I-90 interchange, for construction of the 150th Avenue SE/Eastgate Way project. (CIP Plan No. PW-I-86)
 - (g) Motion to award Bid No. 0310 in the amount of \$354,448 for the rehabilitation, replacement, or relining of deteriorated elements of the wastewater and stormwater systems prior to beginning the 2003 street overlay program in the northeast area of the City to Earthwork Enterprises, as low bidder. (CIP Plan Nos. S-24 and D-64) *(Bid award for the 2003 overlay program is scheduled for March 17.)*
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business
- (a) Ordinance No. 5428 determining the public advantage in vacating a portion of SE 28th Street and a portion of 145th Avenue SE and vacating those rights-of-way subject to certain conditions.

Mr. Sarkozy explained that Ordinance No. 5428 addresses the public advantage in vacating a portion of SE 28th Street and a portion of 145th Avenue SE. The issue was originally presented to Council on January 6. Council action was deferred at that time based on concerns expressed by adjacent neighbors and Council's request for additional information.

Assistant Transportation Director Nora Johnson provided a brief history of the project which began with Bellevue Community College's request on October 4 that the City vacate the specified right-of-way. Pursuant to Council direction, staff began working with BCC staff to resolve residents' concerns. Last week a memorandum of understanding (MOU) was signed by the City and BCC to provide neighborhood mitigation measures. BCC will build an 8-foot concrete fence for approximately 635 feet along the west side of the adjacent neighborhood and plant trees and shrubs on the residents' side of the fence. Ms. Johnson noted that BCC is building a parking structure nearby and has purchased two homes as part of the project.

Ms. Johnson asked Council to determine whether the requested right-of-way vacation is in the public's interest. Staff recommends approval with two conditions: 1) Preservation of an easement for a water line, and 2) Preservation of an easement for a trail along SE 28th Street and connecting to 145th Avenue SE (part of the Mountains to Sound Greenway).

BCC has agreed to continue working with the City to complete the Mountains to Sound Greenway through its campus.

Responding to Mr. Lee, Ms. Johnson said the MOU does not specify a completion date but the fence and landscape buffer are scheduled for installation by Bellevue Community College in May.

Dr. Davidson thanked City staff and Bellevue Community College for working together to resolve residents' concerns.

- ➡ Mr. Mosher moved to adopt Ordinance No. 5428, subject to two conditions to preserve a water line easement and a trail easement. Mr. Lee seconded the motion.

Responding to Deputy Mayor Degginger, Ms. Johnson clarified that the MOU between the City and BCC on behalf of the neighbors is separate from the ordinance.

Mr. Sarkozy thanked Barbara Martin, Vice President, and Jean Floten, President of Bellevue Community College, for working with the City and residents.

Responding to Mr. Degginger, Ms. Johnson said the three residents who previously expressed concerns to Council about the project are supportive of the plan outlined in the MOU.

- ➡ The motion to adopt Ordinance No. 5428, as amended by two conditions, carried by a vote of 4-0.

13. Continued Oral Communications: None.

14. New business: None.

15. Executive Session: None.

16. Adjournment

At 8:53 p.m., Deputy Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

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